

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Proceeding by the Department of Telecommunications  
and Energy on its own Motion to Implement the  
Requirements of the Federal Communications  
Commission's Triennial Review Order Regarding  
Switching for Mass Market Customers

D.T.E. 03-60

**RESPONSES OF RCN-BECOCOM, LLC TO MCI's  
FIRST SET OF INFORMATION REQUESTS TO  
COMPETITIVE LOCAL EXCHANGE CARRIERS**

RCN-BECOCOM, LLC ("RCN") submits its objections and responses to MCI's First Set of Information Requests to CLECs dated December 30, 2003 (the "Information Requests").

**GENERAL OBJECTIONS**

RCN makes these General Objections to the Information Requests submitted by WorldCom, Inc. ("MCI") in this proceeding and incorporates each of these General Objections into its response to each Information Request.

1. RCN objects to the Information Requests to the extent that they seek information that is privileged or otherwise exempt from discovery, including but not limited to documents or information protected by the attorney-client privilege, the work-product doctrine, or the trade-secrets doctrine.

2. RCN has made a reasonable effort to respond to each Information Request as it understands and interprets such Information Request. Should MCI assert an interpretation of any Information Request that differs, RCN reserves the right to supplement or amend its objections. RCN reserves the right to produce responsive documents or information received after the date of its responses.

3. RCN objects to the Information Requests to the extent they seek to impose an obligation on RCN to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such data requests are overly broad and unduly burdensome.

4. RCN objects to the Information Requests to the extent they seek information beyond LATAs 126 and 128 in the Commonwealth of Massachusetts.

5. RCN objects to the Information Requests to the extent that they repeat, in part or in whole, previous discovery requests submitted to RCN in this proceeding.

6. RCN expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the responses produced pursuant to the Information Requests.

### **OBJECTIONS TO THE INFORMATION REQUESTS**

Many of RCN's specific objections are applicable to more than one of MCI's Information Requests. For this reason, RCN provides the following definitions of those objections and, where possible, uses the defined term in its specific objections.

1. *Not Relevant*: the Information Request is not relevant to any specific claims, defenses, issues or questions presented in this proceeding and is not reasonably calculated to lead to the discovery of data relevant to resolution of these issues.

2. *Unduly Burdensome*: the Information Request is unduly burdensome in that providing the requested data (i) would require an unreasonable expenditure of time and resources to search for documents or information, (ii) is cumulative and/or has only a limited likelihood of leading to the discovery of data relevant to resolution of the specific issue and either (a) the value of providing the data is outweighed by the burden of production or (b) MCI can obtain the data through publicly available information.

3. *Overly Broad*: the Information Request seeks a general category of information within which only certain portions of the information are reasonably related to the subject matter of this proceeding.

4. *Vague and Ambiguous*: the Information Request is vague and ambiguous in that it does not describe the data sought with particularity or fails to convey with reasonable clarity what is being requested and, as such, RCN cannot reasonably determine the intended meaning, scope or limits of the Information Request.

5. *Extremely Sensitive, Proprietary, and Confidential*: the requested data relates to issues, matters, or materials that contain extremely proprietary, confidential, and/or trade secret information which would cause competitive harm to RCN if disclosed.

6. *Calls for a Legal Conclusion*: the Information Request calls for a conclusion of law.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please state whether you are an incumbent local exchange  
MCI-CLEC-1 provider ("ILEC") or are an affiliate of an ILEC providing telecommunications service in Massachusetts. If you are an affiliate of an ILEC, please identify the ILEC and describe the affiliation. For purposes of these Requests, "affiliate" shall be as defined in the Communications Act of 1934. Section 3 of the Act defines the term "affiliate" as "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For the purposes of this paragraph, the term 'own' means to own an equity interest (or the equivalent thereof) of more than 10 percent." 47 U.S.C. § 153(1).

RCN RESPONSE: Subject to its General Objections, RCN provides the following response to the Information Request:

No.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please state whether you are an affiliate of a competitive local  
MCI-CLEC-2 exchange carrier ("CLEC") providing telecommunications  
service in Massachusetts. If you are an affiliate of an CLEC,  
please identify the CLEC and describe the affiliation. For  
purposes of these Requests, "affiliate" shall be as defined in the  
Communications Act of 1934. Section 3 of the Act defines the  
term "affiliate" as "a person that (directly or indirectly) owns or  
controls, is owned or controlled by, or is under common  
ownership or control with, another person. For the purposes of  
this paragraph, the term 'own' means to own an equity interest  
(or the equivalent thereof) of more than 10 percent." 47 U.S.C. §  
153(1).

RCN RESPONSE: Subject to its General Objections, RCN provides the following  
response to this Information Request:

RCN is a CLEC in Massachusetts. RCN is not affiliated with  
any other CLEC in Massachusetts.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Do you lease 2-wire voice-grade loops from Verizon to provide  
MCI-CLEC-3 local exchange service in Massachusetts? (For purposes of this  
question, please do not include any DS-0 or voice grade circuits  
that are part of a DS-1.)

RCN RESPONSE: Subject to its General Objections, RCN provides the following  
response to this Information Request:

No.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Do you use non-ILEC switches to provide local exchange  
MCI-CLEC-4 service to Massachusetts customers? (For purposes of this  
question, please do not include any DS-0 or voice grade  
switched circuits that are part of a DS-1.)

RCN RESPONSE: Subject to its General Objections, RCN provides the following  
response to this Information Request:

Yes, RCN uses its own switches to provide local exchange  
service to Massachusetts customers.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: To the extent that you have not already provided this  
MCI-CLEC-5 information in response to the Massachusetts Department of  
Telecommunications and Energy's Information Requests, please  
provide the following information for each switch owned by you  
that you use to provide local exchange service to Massachusetts  
customers:

- a. the 8-digit common language location identifier ("CLLI") code as it appears in the Local Exchange Routing Guide ("LERG");
- b. V&H coordinates;
- c. street address, city and zip code;
- d. currently equipped line side capacity in
  - i. DS-0/voice grade circuits and
  - ii. DS-1 circuits;
- e. currently utilized line side capacity in
  - i. DS-0/voice grade circuits and
  - ii. DS-1 circuits;
- f. current switch processor capacity in CCS;
- g. busy hour and busy season utilized switch processor capacity in CCS;
- h. function of the switch (e.g., stand-alone, host, or remote, other [e.g. DLC node with no intelligence and/or no or limited switching capability]).

RCN RESPONSE: Subject to its General Objections, RCN provides the following response to this Information Request:

*See RCN's Responses to the Department's October 9, 2003 Information Requests.*



RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Using the switches identified in CLEC-5:  
MCI-CLEC-6

- a. Do you currently provide local exchange service to residential customers in Massachusetts? If so, are you currently advertising this service? Are you currently marketing this service? Please explain [e.g. broadcast or print advertising, telemarketing, direct mail, Internet, etc.].
- b. Do you currently provide local exchange service to business customers in Massachusetts? If so, are you currently advertising this service? Are you currently marketing this service? Please explain.
- c. Please provide a description of each of the residential and/or business local exchange products that you currently provide to Massachusetts customers using voice grade, non T-1 loops. You may choose to respond by completing the following matrix.

| Product Name      | Available to Res. Customers? | Available to Bus. Customers? | Retail Price? | Bundled with LD or DSL Service? | Available as Standalone Local Product? | Current Advertising? |
|-------------------|------------------------------|------------------------------|---------------|---------------------------------|--|----------------------|
| [Name of product] | [Yes/No]                     | [Yes/No]                     | [\$X.XX]      | [Yes/No]                        | [Yes/No]                               | [Yes/No]             |

- d. For each switch identified in CLEC-5 other than circuit switches, please provide the following additional information regarding the local exchange service that you provide:
  - i. How many telephony customers do you serve via that switch?
  - ii. To what percentage of those customers do you provide standalone local exchange service (i.e. no broadband, no cable television)? What is the retail price for this service?
  - iii. To what percentage of those customers do you provide local exchange service and broadband service but not cable television service? What is the price for this service?
  - iv. To what percentage of those customers do you

provide local exchange service and cable television service but not broadband service? What is the price for this service?

v. To what percentage of those customers do you provide local exchange service, cable television service, and broadband service? What is the price for this service?

RCN RESPONSE: In addition to its General Objections, RCN objects to this question on the grounds that it is not relevant and overly burdensome. Subject to the foregoing objections, RCN provides the following response to this Information Request:

*See RCN's responses to AT&T Communications of New England, Inc.'s First Set of Information Requests to CLECs, dated January 7, 2004.*

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please provide, on a statewide, CLEC switch CLLI-code, and  
MCI-CLEC-7 Verizon wire center basis, on a monthly or quarterly basis, for  
the most recent 12-month period, the number of:

- a. Newly installed business lines served by unbundled loops;
  - i. Number of such lines that were migrated from the ILEC's retail service.
  - ii. Number of such lines that were migrated from a CLEC's retail service.
- b. Newly installed business lines served by UNE-P;
  - i. Number of such lines that were migrated from the ILEC's retail service.
  - ii. Number of such lines that were migrated from a CLEC's retail service.
- c. Newly installed business lines served by non-circuit switches;
  - i. Number of such lines that were migrated from the ILEC's retail service.
  - ii. Number of such lines that were migrated from a CLEC's retail service.
- d. Newly installed residential lines served by unbundled loops;
  - i. Number of such lines that were migrated from the ILEC's retail service.
  - ii. Number of such lines that were migrated from a CLEC's retail service.
- e. Newly installed residential lines served by UNE-P.
  - i. Number of such lines that were migrated from the ILEC's retail service.
  - ii. Number of such lines that were migrated from a CLEC's retail service.
- f. Newly installed residential lines served by non-circuit switches;
  - i. Number of such lines that were migrated from the ILEC's retail service.

ii. Number of such lines that were migrated from a CLEC's retail service.

For lines migrated from a CLEC's retail service, please separately disaggregate whether those customers were migrated from a UNE-L or UNE-P service delivery mechanism.

If you are unable to provide information responsive to all three geographies, please provide responsive information to the extent it is available. Please do not include T-1 level or above loops in your response.

RCN RESPONSE: In addition to its General Objections, RCN objects to this question on the grounds that it is unduly burdensome in that RCN does not maintain the requested information and compiling it would require RCN to prepare a special report or study. Subject to the foregoing objections, RCN provides the following response to this Information Request:

The first portion of the Information Request, including subsections a-f, is not applicable to RCN. With respect to the second portion of the Information Request, RCN does not maintain records of customers migrated to RCN from other CLECs who may have previously received service via UNE-L or UNE-P platforms.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please provide, on a statewide, CLEC switch CLLI-code, and  
MCI-CLEC-8 Verizon wire center basis, for the most recently available time  
period, the total number of:

- a. Active business lines served by unbundled loops;
- b. Active business lines served by UNE-P;
- c. Active business lines served by non-circuit switches;
- d. Active residential lines served by unbundled loops;
- e. Active residential lines served by UNE-P;
- f. Active residential lines served by non-circuit switches.

If you are unable to provide information responsive to all three geographies, please provide responsive information to the extent it is available. Please do not include T-1 level or above loops in your response.

RCN RESPONSE: Subject to its General Objections, RCN provides the following response to this Information Request:

Not applicable.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60 .

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: If you do not currently offer service to business customers in  
MCI-CLEC-9 Massachusetts below the DS-1 level (i.e., DS-0/voice grade  
loops), please list and describe your reasons for not doing so.

RCN RESPONSE: Subject to its General Objections, RCN provides the following  
response to this Information Request:

Not applicable.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: If you currently offer service to business customers in  
MCI-CLEC-10 Massachusetts below the DS-1 level (i.e., DS-0/voice grade loops), but do not offer and/or market service to such customers unless they have or need a certain minimum number of loops to their premises, please state that minimum number, and list and describe your reasons for not offering and/or marketing service below that level.

RCN RESPONSE: Subject to its General Objections, RCN provides the following response to this Information Request:

Not applicable.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: For each switch identified in your response to CLEC-5, please  
MCI-CLEC-11 provide the information requested in TABLES 1A, 1B, and 1C. If you are unable to provide information responsive to all three tables, please provide responsive information to the extent it is available. Please do not include T-1 level or above loops in your response.

RCN RESPONSE: In addition to its General Objections, RCN objects to this Information Request on the grounds that it is not relevant and overly broad. RCN also objects on the grounds that the Information Request is unduly burdensome because RCN does not maintain the requested information in the format requested and compiling the information in that format would require RCN to prepare a special report or study. Subject to the foregoing objections, RCN provides the following response to this Information Request:

*See* RCN's response to Joint CLEC's First Set of Discovery Requests to CLECs, dated January 7, 2004, at Item Joint Parties-RCN 1-10. Note that RCN's response to Item Joint Parties-RCN 1-10 is **Confidential Information** subject to the Protective Order established in this proceeding.



RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: For each switch identified in your response to CLEC-5 other  
MCI-CLEC-12 than circuit switches, please provide the following for each switch:

- a. the date(s) on which you installed the switch and began providing local exchange service on the switch;
- b. the geographic area served by the switch compared to the geographic area served by any circuit switches you use to provide local exchange service;
- c. any differences in the technical or operational requirements for the customer to obtain local exchange service from the switch, including customer premises equipment or software (e.g., specialized phone set; availability of computer, cable modem, set top box, need for customer premises battery backup for telephone service), access method (e.g., DSL, cable television, satellite service), provisioning interval.

RCN RESPONSE: Subject to its General Objections, RCN provides the following response to this Information Request:

Not applicable.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Do your Massachusetts intrastate tariffs limit in any way the  
MCI-CLEC-13 availability of your local exchange service products, either by  
geography, class of customer, or otherwise? If so, please explain  
the limitation, including an explanation of the service delivery  
mechanism by which you offer the product (e.g. UNE-P, UNE-  
L, non-circuit-switched, etc.).

RCN RESPONSE: In addition to the General Objections, RCN objects to this  
Information Request on the grounds that the information  
requested is publicly available. Subject to the foregoing  
objections, RCN provides the following response to this  
Information Request:

RCN provides local exchange service products to residential and  
commercial customers in Massachusetts. There are separate  
tariffed offerings for residential and business customers.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Have you made any changes to your Massachusetts intrastate  
MCI-CLEC-14 tariffs in the last 24 months that would limit the availability of  
your local exchange service, either by restricting the geographic  
area in which you offer your service, restricting the customers to  
whom you service is available, or otherwise? If so, please  
explain.

RCN RESPONSE: In addition to the General Objections, RCN objects to this  
Information Request on the grounds that the information  
requested is publicly available. Subject to the foregoing  
objections, RCN provides the following response to this  
Information Request:

No.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please explain whether you currently have in place application-to-application, electronically integrated systems that can accomplish, on an automated, flow-through basis (i.e. no manual intervention is required for completion of the migration), migrations between each of the following service configurations: 1) VZ voice only; 2) VZ voice plus DSL; 3) VZ DSL only; 4) CLEC UNE-P voice only; 5) CLEC switch-based voice only; 6) CLEC line sharing; 7) CLEC line splitting; 8) CLEC DSL only. To the extent possible, please answer by completing the following matrix, indicating "Yes" or "No" in each box.

MCI-CLEC-15

RCN RESPONSE: In addition to the General Objections, RCN objects to this data request question on the grounds that it is not relevant, unduly burdensome, and overly broad. Subject to the foregoing objections, RCN provides the following response to this Information Request:

*See* RCN's response to Joint CLEC's First Set of Discovery Requests to CLECs, dated January 7, 2004, at Item Joint Parties-RCN 1-13. Note that RCN's response to Item Joint Parties-RCN 1-13 is **Confidential Information** subject to the Protective Order established in this proceeding.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please explain whether you have always been able to obtain a  
MCI-CLEC-16 customer service record ("CSR") from Verizon and/or other  
CLECs for the provision of 1) local exchange voice service on  
UNE-P; 2) local exchange voice service on UNE loop. If not,  
please provide a detailed explanation of the reason(s) you did  
not obtain the CSR.

RCN RESPONSE: In addition to the General Objections, RCN objects to this data  
request question on the grounds that it is not relevant, unduly  
burdensome, and overly broad. Subject to the foregoing  
objections, RCN provides the following response to this  
Information Request:

*See RCN's response to Joint CLEC's First Set of Discovery  
Requests to CLECs, dated January 7, 2004, at Item Joint Parties-  
RCN 1-14. Note that RCN's response to Item Joint Parties-RCN  
1-14 is **Confidential Information** subject to the Protective  
Order established in this proceeding.*

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please explain whether you currently use an electronic  
MCI-CLEC-17 automated (i.e., not requiring any manual intervention prior to completion of task) method to interface with Verizon to send or receive each of the following: a) pre-order inquiries; b) orders (including placing the order, firm order confirmations, jeopardy notices, etc); c) provisioning (including the exchange of information for changes to 911, local number portability, and other databases); d) maintenance and repair; e) billing.

RCN RESPONSE: In addition to the General Objections, RCN objects to this data request question on the grounds that it is not relevant, unduly burdensome, and overly broad. Subject to the foregoing objections, RCN provides the following response to this Information Request:

With respect to subsections a)-c), *see* RCN's response to Joint CLEC's First Set of Discovery Requests to CLECs, dated January 7, 2004, at Item Joint Parties-RCN 1-15. Note that RCN's response to Item Joint Parties-RCN 1-15 is **Confidential Information** subject to the Protective Order established in this proceeding. Subsections d) and e) are not applicable to RCN.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please provide a detailed explanation of the electronic method  
MCI-CLEC-18 (e.g. EDI, CORBA, etc.) that you currently use to send to or receive from ILECs and/or CLECs each of the following: a) pre-order inquiries; b) orders (including placing the order, firm order confirmations, jeopardy notices, etc.); c) provisioning (including the exchange of information for changes to 911, local number portability, and other databases); d) maintenance and repair; e) billing.

RCN RESPONSE: In addition to the General Objections, RCN objects to this data request question on the grounds that it is not relevant, unduly burdensome, and overly broad. Subject to the foregoing objections, RCN provides the following response to this Information Request:

*See* RCN's response to Joint CLEC's First Set of Discovery Requests to CLECs, dated January 7, 2004, at Item Joint Parties-RCN 1-16. Note that RCN's response to Item Joint Parties-RCN 1-16 is **Confidential Information** subject to the Protective Order established in this proceeding.

RCN-BECOCOM, LLC

Commonwealth of Massachusetts

DTE 03-60

Respondent: Patrick McGuire

REQUEST: MCI Set #1

DATED: December 30, 2003

ITEM: Please explain whether you currently have in place and use  
MCI-CLEC-19 electronic automated systems to:

- a. Process orders placed by customers whose service will be provisioned using your own switches.
- b. Provision service for customers using your own switches.
- c. Maintain and repair service for customers whose service is provisioned using your own switches.
- d. Conduct trouble isolation and repair for customer services provisioned via your own switches using UNE loops.
- e. Conduct testing for customer services provisioned via your own switches using UNE loops.
- f. Bill customers whose services are provisioned using your own switches.

If with respect to your answer to any of the above subparts your systems are only partially electronic, please identify specifically which portions are electronic, and which are manual, and provide a detailed explanation of the limitations created by the manual portions.

RCN RESPONSE: In addition to the General Objections, RCN objects to this data request question on the grounds that it is not relevant, unduly burdensome, and overly broad. Subject to the foregoing objections, RCN provides the following response to this Information Request:

*See* RCN's response to Joint CLEC's First Set of Discovery Requests to CLECs, dated January 7, 2004, at Item Joint Parties-RCN 1-17. Note that RCN's response to Item Joint Parties-RCN 1-17 is **Confidential Information** subject to the Protective Order established in this proceeding.